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EXAMINER	
HERNANDEZ, NELSON D	
ART UNIT	**PAPER NUMBER**
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,136	DELANEY, BETH M. P.	
	Examiner	Art Unit	
	Nelson D. Hernandez	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 6, 11-15 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Kalinski, US 2003/0156207 A1.

Regarding claim 1, Kalinski discloses a method of automatic image file backup for use with a digital camera (Fig. 2: 210), the method comprising: transferring an image file to an archive memory (One of the memory units 230.1-230.n as shown in fig. 2) for storage; and creating a copy of the image file as a backup image file automatically in response to transferring (Page 2, ¶ 0038; page 4, ¶ 0062-0068), the backup image file being stored separate from the transferred image file (another of the memory units 230.1-230.n as shown in fig. 2) (Page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069).

Regarding claim 2, Kalinski discloses that the backup image file is automatically created for storage without intervention by a user of the digital camera (Page 2, ¶ 0038; page 4, ¶ 0062-0068).

Regarding claim 3, Kalinski discloses storing the transferred image file as an original image file in the archive memory; and storing the created backup image file

other than as the original image file (Page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069).

Regarding claim 6, Kalinski discloses a method of automatic image file backup comprising: transferring an image file from a memory (Fig. 3: 340) of a digital camera (Fig. 3); storing the transferred image file as an original image file (In one of the memory units 230.1-230.n as shown in fig. 2); creating a backup image file from the image file automatically in response to transferring (Page 2, ¶ 0038; page 4, ¶ 0062-0068); and storing the created backup image file (Page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069).

Regarding claim 11, limitations can be found in claim 1.

Regarding claim 12, Kalinski discloses that the means for automatic image file backup comprises a transfer driver stored in a memory of the digital camera and executed by a controller of the digital camera (Kalinski teaches that the transfer operation of the camera can be performed by a software in the camera, since a memory is necessitated in the camera to store a software program, Kalinski inherently discloses that the means for automatic image file backup comprises a transfer driver stored in a memory of the digital camera and executed by a controller of the digital camera) (Page, 2, ¶ 0038 and page 4, ¶ 0069).

Regarding claim 13, Kalinski discloses that the instructions of the transfer driver, when executed by the controller, automatically create and store a backup image file in conjunction with uploading the image file (Page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069).

Regarding claim 14, limitations have bee discussed with respect to claims 1, 11 and 12. Therefore, grounds for rejecting claims 1, 11 and 12 apply here.

Regarding claim 15, limitations can be found in claim 13.

Regarding claim 19, Kalinski discloses that the transfer driver further provides a graphical user interface that facilitates selecting a location for storing the backup image file (Page 2, ¶ 0022; page 3, ¶ 0053; page 4, ¶ 0059).

3. Claims 20 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Misawa, US Patent 2003/0095196 A1.

Regarding claim 20, Misawa discloses a digital photographic system (Figs. 3 and 4) comprising: means for automatically creating and storing a backup image file in response to an image file upload from a digital camera (Figs. 1 and 2) to an archive memory of a computer (Fig. 3: 80) (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156).

Regarding claim 21, Misawa discloses that the means for automatically creating and storing comprises a transfer driver executed by either the digital camera or the computer in conjunction with the upload (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156).

Claim Rejections - 35 USC § 103

4. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalinski, US 2003/0156207 A1 in view of Midgley, US Patent 6,526,418 B1.

Regarding claim 4, Kalinski does not explicitly disclose the backup image file is stored in the archive memory along with but separate from the original image file.

However, the concept of storing a backup file in a location different from the location of an original file in a memory medium is notoriously well known in the art as taught by Midgley. Midgley discloses storing a copy of a file as a backup file into a different location from the location where the original file is stored so as to recover important information in case of an unwanted deletion or data loss (See figs. 2-3; col. 8, line 61 – col. 11, line 15; col. 11, line 38 – col. 12, line 8; col. 1, lines 13-22).

While it may not be explicitly stated in the references above that the functionality of an electronic device such as a/an computer system may be realized by a camera, it is well known to a skilled artisan that the camera as claimed and the computer system are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing data, such as imaging, image processing, and/or image manipulation.

Even if the camera and the computer system are not in the same field of endeavor, which the examiner does not concede, the camera and the computer system are reasonably pertinent to solving the problem of protecting data from data loss and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992).

Therefore, taking the combined teaching of Kalinski in view of Midgley as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalinski by storing the backup image file in the archive memory along with but separate from the original image file. The motivation to do so would have been to protect the image data against loss or deletion as suggested by Midgley (Col. 1, lines 13-22).

Regarding claim 7, limitations can be found in claim 4.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalinski, US 2003/0156207 A1 in view of Ward, US Patent 6,784,924 B2.

Regarding claim 5, claim 5 is written in a Markush type by using the expression "stored in a location other than the archive memory, the location being one or more of a network disk drive, a file server disk drive and a remote data storage facility on the Internet", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Kalinski does not explicitly disclose that the backup image file is stored in a location other than the archive memory, the location being one or more of a network disk drive, a file server disk drive and a remote data storage facility on the Internet.

However, Ward discloses an electronic camera (Fig. 1: 10) comprising a removable memory card ("archive memory", fig. 1: 30) for storing image data and instruction data (instruction data is received from computer 12 to have the camera select different locations to upload the image data captured by the camera), wherein the camera has a feature of selecting from multiple locations (i.e. email addresses or Internet Service Provider (ISP), which are known to be stored in a server). Ward also discloses storing the image data in different locations (Col. 2, line 59 – col. 3, line 65) by teaching that the images are stored in either permanent memory 28 or memory card 30 whether the image is sent to the destination (i.e. email or ISP) or not (Col. 3, lines 40-65).

Therefore, taking the combined teaching of Kalinski in view of Ward as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalinski by storing the backup image file is in a location other than the archive memory, the location being one or more of a network disk drive, a file server disk drive and a remote data storage facility on the Internet. The motivation to do so would have been to improve the functionality of the camera by automatically uploading the image data to multiple locations so that different terminals can have easy access to the image data as suggested by Ward (Col. 1, line 61 – col. 2, line 16).

Regarding claim 8, limitations can be found in claim 5.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalinski, US 2003/0156207 A1 in view of Misawa, US Patent 2003/0095196 A1.

Regarding claim 9, Kalinski dos not explicitly disclose setting a read-only attribute of the created backup image file when stored to reduce a chance that the backup image file is modified or deleted following storage.

However, Misawa discloses a digital photographic system (Figs. 3 and 4) having automatic image file backup comprising: a digital camera (Figs. 1 and 2); a computer (Fig. 3: 80) having an archive memory (hard disk 86 as shown in fig. 4); a communications interface (cradle 60 as shown in fig. 3) connecting the digital camera and the computer during an upload of an image file from the digital camera to the archive memory of the computer (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156); and a transfer driver executed by the computer, wherein instructions of the transfer driver automatically create and store a backup image file in conjunction with the upload (Page 11, ¶ 0149-0156; page 12, ¶ 0172; page 10, ¶ 0146; page 11, ¶ 0150); Misawa also discloses including a read-only attribute to the backed-up images data so that the image data can have added protection against deletion or loss (Page 1, ¶ 0016; page 9, ¶ 0126-0131 and ¶ 0136; page 12, ¶ 0165) (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156; page 12, ¶ 0172).

Therefore, taking the combined teaching of Kalinski in view of Misawa as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalinski by setting a read-only attribute of the created backup image file when stored to reduce a chance that the backup image file is

modified or deleted following storage. The motivation to do so would have been to improve the camera by adding more protection against deletion or loss to the backed-up image data as suggested by Misawa (Page 1, ¶ 0016; page 9, ¶ 0126-0131 and ¶ 0136; page 12, ¶ 0165).

7. Claims 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kalinski, US 2003/0156207 A1 in view of Kato, US Patent 7,095,436 B2.

Regarding claim 10, Kalinski does not explicitly disclose that the image file is temporarily stored in a removable memory of the digital camera, the removable memory being removed from the digital camera and placed in a reader during transferring..

However, the use of a memory reader to transfer image data captured by a camera to a computer is notoriously well known in the art as taught by Kato. Kato discloses a camera system (Fig. 1 and 5) comprising a camera (Fig. 1) and a computer (Fig. 5) having a memory reader (Fig. 5: 41) to transfer the image data stored in a memory card (Fig. 5: 20) of the camera to said computer (Col. 6, lines 18-34; col. 7, lines 13-33; col. 8, line 54 – col. 9, line 16). Having a memory reader is advantageous because it would enable a computer to read image data from different cameras without having to physically connect the camera to said computer so the user does not have to carry the camera to the computer.

Therefore, taking the combined teaching of Kalinski in view of Kato as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalinski by having the image file temporarily stored in a removable

memory of the digital camera, the removable memory being removed from the digital camera and placed in a reader during transferring. The motivation to do so would have been to enable a computer to read image data from different cameras without having to physically connect the camera to said computer so the user does not have to carry the camera to the computer.

8. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalinski, US 2003/0156207 A1 in view of Misawa, US Patent 2003/0095196 A1 and further in view of Midgley, US Patent 6,526,418 B1.

Regarding claim 16, Kalinski does not explicitly disclose that the archive memory is a disk drive of a computer and wherein the backup image file is stored in the disk drive along with but separate from the uploaded image file.

However, Misawa discloses a digital photographic system (Figs. 3 and 4) having automatic image file backup comprising: a digital camera (Figs. 1 and 2); a computer (Fig. 3: 80) having an archive memory (hard disk 86 as shown in fig. 4); a communications interface (cradle 60 as shown in fig. 3) connecting the digital camera and the computer during an upload of an image file from the digital camera to the archive memory of the computer (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156); and a transfer driver executed by the computer, wherein instructions of the transfer driver automatically create and store a backup image file in conjunction with the upload (Page 11, ¶ 0149-0156; page 12, ¶ 0172; page 10, ¶ 0146; page 11, ¶ 0150); Misawa also discloses including a read-only attribute to the backed-

up images data so that the image data can have added protection against deletion or loss (Page 1, ¶ 0016; page 9, ¶ 0126-0131 and ¶ 0136; page 12, ¶ 0165) (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156; page 12, ¶ 0172).

Therefore, taking the combined teaching of Kalinski in view of Misawa as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalinski by having the camera uploading the image data to a disk drive of a computer and wherein the backup image file is stored in the disk drive. The motivation to do so would have been to help managing the memory space of the camera by storing the image data in a memory with higher capacity so that the camera can take more pictures; and to improve the camera by adding more protection against deletion or loss to the backed-up image data as suggested by Misawa (Page 1, ¶ 0016; page 9, ¶ 0126-0131 and ¶ 0136; page 12, ¶ 0165).

The combined teaching of Kalinski in view of Misawa fails to teach that the backup image file is stored separate from the uploaded image file.

However, the concept of storing a backup file in a location different from the location of an original file in a memory medium is notoriously well known in the art as taught by Midgley. Midgley discloses storing a copy of a file as a backup file into a different location from the location where the original file is stored so as to recover important information in case of an unwanted deletion or data loss (See figs. 2-3; col. 8, line 61 – col. 11, line 15; col. 11, line 38 – col. 12, line 8; col. 1, lines 13-22).

While it may not be explicitly stated in the references above that the functionality of an electronic device such as a/an computer system may be realized by a/an camera

system, it is well known to a skilled artisan that the camera system as claimed and the computer system are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing data, such as imaging, image processing, and/or image manipulation.

Even if the camera system and the computer system are not in the same field of endeavor, which the examiner does not concede, the camera system and the computer system are reasonably pertinent to solving the problem of protecting data from data loss and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992).

Therefore, taking the combined teaching of Kalinski in view of Misawa and further in view of Midgley as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalinski and Misawa by storing the backup image file in the archive memory along with but separate from the original image file. The motivation to do so would have been to protect the image data against loss or deletion as suggested by Midgley (Col. 1, lines 13-22).

Regarding claim 17, limitations can be found in claim 16.

Regarding claim 18, claim 18 is written in a Markush type by using the expression "the other location is selected from a network disk drive, a memory of a network file server and an Internet site", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125

USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Kalinski in view of Misawa and further in view of Midgley as discussed and analyzed in claim 16 teaches that the other location is selected from a network disk drive, a memory of a network file server and an Internet site (See Midgley, figs. 2-3; col. 8, line 61 – col. 11, line 15; col. 11, line 38 – col. 12, line 8; col. 1, lines 13-22). Grounds for rejecting claim 16 apply here.

9. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa, US Patent 2003/0095196 A1 in view of Kalinski, US 2003/0156207 A1.

Regarding claim 22, Misawa discloses a digital photographic system (Figs. 3 and 4) having automatic image file backup comprising: a digital camera (Figs. 1 and 2); a computer (Fig. 3: 80) having an archive memory (hard disk 86 as shown in fig. 4); a communications interface (cradle 60 as shown in fig. 3) connecting the digital camera and the computer during an upload of an image file from the digital camera to the archive memory of the computer (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156); and a transfer driver executed by the computer, wherein instructions of the transfer driver automatically create and store a backup image file in conjunction with the upload (Page 11, ¶ 0149-0156; page 12, ¶ 0172) (See fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156; page 12, ¶ 0172).

Misawa does not explicitly disclose that the backup image file representing a copy of the uploaded image file.

However, Kalinski discloses a camera (Fig. 2: 210) performing automatic image file backup to a plurality of memories (230.1-230.n as shown in fig. 2), wherein the camera transfer one or more image files to an archive memory (One of the memory units 230.1-230.n as shown in fig. 2) for storage; and creates a copy of the image file as a backup image file automatically in response to transferring (Page 2, ¶ 0038; page 4, ¶ 0062-0068), the backup image file being stored separate from the transferred image file (another of the memory units 230.1-230.n as shown in fig. 2) (Page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069).

Therefore, taking the combined teaching of Misawa in view of Kalinski as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Misawa making a copy of the uploaded file and store said copy as a backup file in the memory of the computer. The motivation to do so would have been to create redundant backup storage reducing the possibility of image loss due to memory damage, malfunction, or misplacement, protecting the user from the loss of images as suggested by Kalinski (Page, 3, ¶ 0047 and ¶ 0053).

Regarding claim 23, claim 23 is written in a Markush type by using the expression "the computer is selected from a personal computer, a laptop computer, and a personal digital assistant", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Misawa in view of Kalinski teaches that the computer is a personal computer (See Misawa, fig. 3: 80).

Regarding claim 24, the combined teaching of Misawa in view of Kalinski teaches that instructions of the transfer driver further store the image file as an original image file in the archive memory during the upload (See Kalinski, page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069).

10. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa, US Patent 2003/0095196 A1 in view of Kalinski, US 2003/0156207 A1 and further in view of Midgley, US Patent 6,526,418 B1.

Regarding claim 25, the combined teaching of Misawa in view of Kalinski fails to teach that the backup image file is stored in the archive memory along with but separate from the original image file.

However, the concept of storing a backup file in a location different from the location of an original file in a memory medium is notoriously well known in the art as taught by Midgley. Midgley discloses storing a copy of a file as a backup file into a different location from the location where the original file is stored so as to recover important information in case of an unwanted deletion or data loss (See figs. 2-3; col. 8, line 61 – col. 11, line 15; col. 11, line 38 – col. 12, line 8; col. 1, lines 13-22).

While it may not be explicitly stated in the references above that the functionality of an electronic device such as a/an computer system may be realized by a/an camera system, it is well known to a skilled artisan that the camera system as claimed and the

computer system are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing data, such as imaging, image processing, and/or image manipulation.

Even if the camera system and the computer system are not in the same field of endeavor, which the examiner does not concede, the camera system and the computer system are reasonably pertinent to solving the problem of protecting data from data loss and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992).

Therefore, taking the combined teaching of Misawa in view of Kalinski and further in view of Midgley as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Misawa and Kalinski by storing the backup image file in the archive memory along with but separate from the original image file. The motivation to do so would have been to protect the image data against loss or deletion as suggested by Midgley (Col. 1, lines 13-22).

11. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa, US Patent 2003/0095196 A1 in view of Kalinski, US 2003/0156207 A1 and further in view of Ward, US Patent 6,784,924 B2.

Regarding claim 26, claim 26 is written in a Markush type by using the expression "the other location being selected from a network disk drive, a memory of a network file server and an Internet file storage site", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an

applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Misawa in view of Kalinski fails to teach that the backup image file is stored in a location other than the archive memory, the other location being selected from a network disk drive, a memory of a network file server and an Internet file storage site.

However, Ward discloses an electronic camera (Fig. 1: 10) comprising a removable memory card ("archive memory", fig. 1: 30) for storing image data and instruction data (instruction data is received from computer 12 to have the camera select different locations to upload the image data captured by the camera), wherein the camera has a feature of selecting from multiple locations (i.e. email addresses or Internet Service Provider (ISP), which are known to be stored in a server). Ward also discloses storing the image data in different locations (Col. 2, line 59 – col. 3, line 65) by teaching that the images are stored in either permanent memory 28 or memory card 30 whether the image is sent to the destination (i.e. email or ISP) or not (Col. 3, lines 40-65).

Therefore, taking the combined teaching of Misawa in view of Kalinski and further in view of Ward as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Misawa and Kalinski by storing the backup image file is in a location other than the archive memory, location being selected from a

network disk drive, a memory of a network file server and an Internet file storage site. The motivation to do so would have been to improve the functionality of the camera by automatically uploading the image data to multiple locations so that different terminals can have easy access to the image data as suggested by Ward (Col. 1, line 61 – col. 2, line 16).

Regarding claim 27, the combined teaching of Misawa in view of Kalinski and further in view of Ward as discussed and analyzed in claim 26 teaches that the communications interface comprises one or both of a wired interface and a wireless interface (See Ward, fig. 2, col. 2, lines 20-58; col. 3, lines 40-65; col. 4, lines 25-64).

Regarding claim 28, the combined teaching of Misawa in view of Kalinski and further in view of Ward as discussed and analyzed in claim 26 teaches that the backup memory system receives the stored backup image file (See Kalinski, page 2, ¶ 0020-0038; page 3, ¶ 0050-0053; page 4, ¶ 0057-0069; See also Misawa, fig. 9; page 6, ¶ 0100-0102; page 8, ¶ 0117-0123; page 11, ¶ 0149-0156; page 12, ¶ 0172), the backup memory system comprising one or more of a network disk drive, a memory of a network file server and an Internet file storage site (See Ward, col. 2, line 59 – col. 3, line 65; col. 4, lines 25-64).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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